



JTPA

Number: D95-21

Serving the People of California

DIRECTIVE

Date: December 7, 1995

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TO: SERVICE DELIVERY AREA ADMINISTRATORS
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS
JTPD PROGRAM OPERATORS
EDD JOB SERVICE OFFICE MANAGERS
JTPD STAFF

SUBJECT: JOB TRAINING AND PLACEMENT SERVICES RESTRICTED TO
INDIVIDUALS WITH PROOF OF LEGAL STATUS OR AUTHORIZATION
TO WORK IN THE UNITED STATES

EXECUTIVE SUMMARY:

Purpose:

The purpose of this Directive is to advise you of state requirements that restrict the provision of employment and training services funded by the state or federal governments to citizens or persons authorized to work in the United States, and that require certain agencies to post notices announcing this restriction.

Scope:

This Directive applies to all programs funded under the Job Training Partnership Act (JTPA) and must be implemented by all Service Delivery Area (SDA) Administrative Entities, Substate Grantees, and all program operators who contract directly with the Employment Development Department (EDD) for JTPA funds. The requirement for posting notices does not extend to service providers who contract with SDAs to provide employment services.

Effective Date:

This Directive is effective upon issuance.

REFERENCES:

- JTPA Section 167 (a) (5)
- 20 CFR 627.235
- California Unemployment Insurance Code (CUIC) Sections 9601.5 and 9601.7
- JTPA Interim Directive 93-16

STATE-IMPOSED REQUIREMENTS:

This Directive contains state-imposed requirements that are shown in ***bold, italic print***.

FILING INSTRUCTIONS:

This Directive supersedes Interim Directive 94-05, dated March 7, 1994. Retain this Directive until further notice.

BACKGROUND:

On October 4, 1993, the Governor signed Senate Bill 733 (Russell) - Chapter 891, Statutes of 1993, that amends the California Unemployment Insurance Code (CUIC) to require government agencies, and those contracting with government agencies, to verify an individual's legal status or authorization to work prior to providing any job training, retraining, or placement services. The bill further requires agencies that contract with EDD to provide employment services, including job training, retraining, or placement, to post in a prominent location in the workplace, a notice stating that only citizens or those legally authorized to work in the United States are permitted to use the agencies' employment services that are funded by the federal or state governments. A copy of Senate Bill 733 is attached for your information.

POLICY AND PROCEDURES:

1) Verification of Legal Work Status

The JTPA restrictions that limit JTPA services to citizens legally authorized to work in the United States [JTPA Section 167 (a)(5)] are sufficient to address the state requirement to verify legal work status prior to providing services. Therefore, no new or additional action, beyond that already required by JTPA, its regulations, and JTPA Interim Directive 93-16, is required by SDAs to verify legal status.

2) Workplace Notice Requirement

Each state or local government agency or community action agency, or any private organizations contracting with a state or local government agency, that enters into an agreement with EDD to provide employment services including, but not limited to, job training, retraining, or placement, shall post in a prominent location in the workplace, a notice stating that only citizens or those legally authorized to work in the United States will be permitted to use the agency's or organization's employment services that are funded by the federal or state government.

The notice must read:

NOTICE: Attention All Job Seekers

The Immigration and Reform Control Act of 1986 (IRCA) requires that all employers verify the identity and employment authorization of all individuals hired after November 6, 1986. An employer is required to examine documents provided by the job seeker establishing identity and authorization for employment in the United States. In addition, it is a violation of both state and federal law to discriminate against job seekers on the basis of ancestry, race, or national origin. This agency provides employment services funded by the state or federal government that are available only to individuals who are United States citizens or who are legally authorized to work in the United States.

Notices must be posted at all locations of the SDA Administrative Entity and Substate Grantee where services are provided to participants. Service providers who contract with the SDA or Substate Grantee to provide services are not required to post the above notice.

ACTION:

1. ***Post notices as required.*** The EDD printed the required notice in four languages: English, Spanish, Vietnamese, and Chinese. Copies in each language are attached.
2. ***Contact the local EDD Field Office serving your SDA to order additional quantities of the posters.***

INQUIRIES:

Please direct inquiries about this Directive to Georganne Pintar, Manager of the Policy Unit, at (916) 654-8498, or to your assigned Program Manager.

/S/ VICKI J. JOHNSRUD
Acting Chief

Attachments not available on-line. To obtain copies e-mail JTPD at JTPDLIB@EDD.CA.GOV (subject line should read: "Attachment"), or contact Jim Scholl at (916) 657-4610.

1. Senate Bill No. 733
2. EDD DE 8400
3. EDD DE 8400/C/
4. EDD DE 8400/V/
5. EDD DE 8400/S/